



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **15 June 2020** which reads as follows:*

**“G.R. No. 245280 (Marianette P. Moaje v. Jessalyn Lentejas).** – The Court resolves to: (a) **NOTE** the manifestation with compliance dated May 24, 2019 by counsel for petitioner Marianette P. Moaje (petitioner) with the Resolution dated March 25, 2019, stating that, due to inadvertence, counsel overlooked to include in the petition his formal entry of appearance with prayer that all Court processes be sent to him at his address on record and submitting: (i) four (4) original copies of the affidavit of service of the motion for extension to file petition; (ii) three (3) certified true copies of the motion; and (iii) one (1) compact disc containing the soft copy of the aforesaid motion; with prayer for additional period of ten (10) days, within which to pay the amount of ₱1,000.00 for sheriff’s trust fund; (b) **NOTE** the compliance dated May 29, 2019 by counsel for petitioner, submitting a Postal Money Order in the amount of ₱1,000.00 as payment for the sheriff’s trust fund; (c) **NOTE** the payment of counsel for petitioner of the amount of ₱1,000.00 for sheriff’s trust under O.R. No. 0252923 dated July 2, 2019; (d) **NOTE** the letter dated July 22, 2019 of Atty. Beethoven M. Alban, Clerk of Court VI, Regional Trial Court of Romblon, Romblon, Branch 81 (RTC), transmitting the complete records of Special Civil Action Case No. V-2147, in compliance with the Resolution dated June 17, 2019; (e) **GRANT** the motion of respondent Jessalyn Lentejas (respondent) for extension of ten (10) days from July 26, 2019, within which to file comment on the petition; (f) **INFORM** petitioner that she or her authorized representative may personally claim from the Cash Disbursement and Collection Division of this Court the excess payment of the prescribed legal fees in the amount of ₱1,000.00 under O.R. No. 0252923 dated July 2, 2019; and (g) **DISPENSE** with the filing of the aforesaid comment, considering that the counsel for respondent failed to file comment on the petition required in the Resolution dated June 17, 2019, within the requested period, which expired on August 5, 2019.

After a judicious study of the case, the Court further resolves to **DENY** outright the instant petition,<sup>1</sup> considering that as stated in the December 10, 2018 Resolution<sup>2</sup> of the RTC in Special Civil Action Case No. 2147, its October 10, 2018 Decision<sup>3</sup> had already lapsed into finality due to petitioner's belated filing of a motion for reconsideration, and hence, immutable. It is settled that under the doctrine of finality of judgment or immutability of judgment, a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law, and whether it be made by the court that rendered it or by the Highest Court of the land. Any act which violates this principle must immediately be struck down.<sup>4</sup> While jurisprudence recognizes certain exceptions to the said rule,<sup>5</sup> none obtains in this case.

Furthermore, the Court notes that the issue raised in this case – *i.e.*, whether or not the RTC correctly ruled that the Municipal Trial Court of Romblon, Romblon (MTC) did not gravely abuse its discretion in disregarding petitioner's defenses, resulting in the grant of respondent's money claim – is a factual issue that cannot be raised in a petition for review on *certiorari* under Rule 45 of the Rules of Court, absent any of the exceptions provided by case law.<sup>6</sup> It is settled that the issue of the lower courts' appreciation of the evidence presented by the parties before it is a question of fact,<sup>7</sup> as in this case.

In any event, petitioner failed to sufficiently show that the RTC erred in holding that the assailed ruling of the MTC was not tainted with grave abuse of discretion. As correctly ruled by the RTC, the MTC cannot be faulted in disregarding petitioner's defenses during the hearing as there was no showing that such defenses were sufficiently alleged or that supporting documents were attached to her Response. Section 13<sup>8</sup> of A.M. No. 08-8-7-SC, otherwise known as 'The Revised Rules of Procedure for Small Claims Cases,' explicitly provides, *inter alia*, that no evidence shall be allowed during the hearing which was not attached to or submitted together with the Response, unless good cause is shown

<sup>1</sup> *Rollo*, pp. 24-37.

<sup>2</sup> *Id.* at 11-12. Signed by Acting Presiding Judge Donna B. Pascual.

<sup>3</sup> *Id.* at 39-42.

<sup>4</sup> *Bigler v. People*, 782 Phil. 158, 166 (2016), citing *Gadrinab v. Salamanca*, 736 Phil. 279, 297 (2014).

<sup>5</sup> *Sumbilla v. Matrix Finance Corporation*, 762 Phil. 130, 144 (2015).

<sup>6</sup> As a general rule, questions of fact cannot be raised in a Rule 45 petition, except when any of the following exceptions are present: (1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) The findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record. (*Medina v. Asistio, Jr.*, 269 Phil. 225, 232 [1990].)

<sup>7</sup> See *Brown Madonna Press, Inc. v. Casas*, 759 Phil. 479, 491 (2015).

<sup>8</sup> Section 13 of A.M. No. 08-8-7-SC reads:

Section 13. Response. – The defendant shall file with the court and serve on the plaintiff a duly accomplished and verified Response within a non-extendible period of ten (10) days from receipt of summons. The Response shall be accompanied by certified photocopies of documents, as well as affidavits of witnesses and other evidence in support thereof. **No evidence shall be allowed during the hearing which was not attached to or submitted together with the Response, unless good cause is shown for the admission of additional evidence.** (Emphasis supplied)

June 15, 2020

for the admission of additional evidence,' which was, however, not shown in this case.

**SO ORDERED.** (Gaerlan, J., designated Additional Member per Special Order No. 2780 dated May 11, 2020.)"

Very truly yours,

  
**TERESITA AQUINO TUAZON**  
Deputy Division Clerk of Court

08 JUL 2020

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HON. PRESIDING JUDGE (reg)  
ATTY. BEETHOVEN M. ALBAN (reg)  
Clerk of Court VI  
Regional Trial Court, Branch 81  
Romblon, Romblon  
(Special Civil Case No. V-2147)

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